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10/057,094	01/28/2002	Marc Frans Theeuwes		1423

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT PAPER NUMBER

2686

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/057,094

Applicant(s)

THEEUWES, MARC FRANS

Examiner

Naghmeh Mehrpour

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-8, are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claims are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claims must be in one sentence form only. Note the format of the claims in the patents cited.

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. Claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). The examiner suggests the following changes:

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Cancel claims 2 and 3, and insert the language of claims 2, and 3 into claim 1.

Renumber claim 4, to claim 2. Cancel claim 5, and insert the language of claim 5 into the new claim 2.

Renumber claim 6 to claim 3. Cancel claims 7, and 8, and insert the claim language of claims 7 and 8 into the new claim 3.

In view of 112 rejection second paragraph above, the examiner has been rejected the claims as best understood, and further for purpose of this rejection misnumbered claims 1-8 have been renumbered to claims 1-3. Appropriate correction is required.

### ***Claim Objections***

4. Claim 1, is objected to because of the following informalities: on line 5 of the claim 1, “a access network” should be changed to “an access network” . Appropriate correction is required.

5. Claim 3, is objected to because of the following informalities: on line 3 of the claim 3, “a process” should be changed to “a processor”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. **Claims 1-3**, are rejected under 35 U.S.C. 102(b) as being anticipated by Buttitta et al. (US Patent Number 5,913,166).

Regarding **claim 1**, Buttitta teaches a wireless access system arranged for providing a plurality of wireless methods for a wireless station operable in said wireless access system for accessing a plurality of services (public and private)(col 5 lines 47-51), the system comprising:

an access network switching unit (5ESS AT&T electronic switch)(col 5 lines 58-67, col 6 lines 1-5);

means for switching said wireless methods (col 5 lines 58-65).

Regarding **claim 2**, Buttitta teaches a wireless access system wherein said wireless access system includes a plurality of networks (private wireless and public cellular wireless network, col 5 lines 47-58), and

said networks employ said wireless methods as the medium for access to said network (col 5 lines 47-58).

Regarding **claim 3**, Buttitta teaches a wireless access system wherein said switching means is controlled by said access network switching unit (col 6 lines 27-33); and said access network switching unit consists inherently of a processor for operating a general purpose computing device to enable said computing device to execute commands in a program based on a combination of data said wireless method is switched based on a result produced by said

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program, as evidenced by the fact that a 5ESS electronic switch which is manufactured by AT&T is used as the switching mechanism (col 5 lines 59-67, col 6l lines 1-6).

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**AT&T** unveils 5ESS-2000 next-generation digital switch

**Farah et al.** (US Patent 6,501, 946 B1) disclose multiple uniquely distinguishable wireless handsets using a single mobile identification numbers

**Ostling** (US Patent Number 6,327,470 B1) disclose handover between fixed and mobile networks for dual mode phones

**Adachi et al.** (US Patent Number 5,777,991) disclose personal communication apparatus with call switching modem and packet switching modem

**Seveik** (US Patent Number 6,266,699 B1) disclose control in an intelligent network

9. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 703-308-7159.

The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid be reached on (703) 306-3061.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

A handwritten signature in black ink, appearing to be 'meh' followed by a stylized flourish.

August 8, 2004